

NOTICE RE SELF-CALENDARING SYSTEM FOR JUDGE ELLEN CARROLL'S CASES

Judge Ellen Carroll has implemented a self-calendaring system to allow parties to schedule their own hearing dates for most matters being heard on regular notice without first having to contact a calendar clerk to obtain a date. Matters that do not require hearings may, of course, continue to be filed in accordance with Local Bankruptcy Rule 9013-1(g).

I. MATTERS THAT MAY BE SELF-CALENDARED.

Parties may select their own hearing dates using the self-calendaring method if the estimated hearing time required is less than 15 minutes and the matter falls in one of the following categories:

A. Motions for Relief from Stay

In any case in which an unlawful detainer judgment has been obtained prepetition, a motion for relief from stay may be heard on shortened notice on the same dates and times as other relief from stay motions, without prior court approval of an order shortening time, provided the moving papers are (i) served by mail or by personal delivery not less than ten calendar days before the hearing date selected and (ii) filed with the court not less than ten calendar days before the hearing date selected.

B. Motions, Applications and Objections to Claims in Chapter 7 Cases, Chapter 11 Cases and Chapter 13 Cases

C. Motions in Adversary Proceedings (except motions for summary judgment)

II. MATTERS THAT MAY NOT BE SELF-CALENDARED.

The self-calendaring system should not be used for certain types of matters that require special consideration. For the following matters, parties must contact calendar clerk Sharon Sumlin at (213) 894-4085 to obtain a hearing date:

A. Matters being heard on shortened notice. All requests for a hearing on shortened notice, other than a hearing on a motion for relief from stay involving an unlawful detainer judgment, require approval of Judge Ellen Carroll before they may be set on calendar.

- B. **Motions for summary judgment.** A hearing date for a motion for summary judgment must be obtained from the calendar clerk. Judge Ellen Carroll will not schedule more than one motion for summary judgment in any given week. If a party waits until just before the motion deadline date to schedule a hearing on a motion for summary judgment, it is likely the motion will not be heard.
- C. **Fee Applications.** If a party wishes to schedule more than three fee applications in a single case on the same calendar, the party must obtain a hearing date from the calendar clerk who will ensure that enough time is reserved for the applications.
- D. **Matters requiring more than 15 minutes of hearing time.** If a matter is likely to require more than 15 minutes of hearing time (e.g., voluminous objections to claims), a party must obtain a hearing date from the calendar clerk who will ensure that enough time is reserved for the matter. Any such matter that is self-calendared may be stopped after it exceeds 15 minutes of hearing time and continued to a later hearing date.
- E. **Clusters of related matters.** If a party wishes to group for a single hearing related matters that would ordinarily be set at different times under Judge Ellen Carroll's self-calendaring system, the party must contact the calendar clerk to obtain a hearing date.
- F. **Adversary Complaints.** Adversary complaints require issuance of a summons by the Clerk's Office, which will set the date for the initial status conference.
- G. **Chapter 11 Plan and Disclosure Statement hearings.** Parties must obtain a disclosure statement hearing date from the calendar clerk who will ensure that enough time is reserved for the matter. A date for the confirmation hearing will be selected at the time of the disclosure statement hearing.
- H. **Reaffirmation Agreements.** Upon the filing of a reaffirmation agreement in a case in which the debtor is not represented by counsel, the calendar clerk will schedule a hearing on the reaffirmation agreement. In a case in which the reaffirmation agreement is accompanied by a declaration from debtor's counsel in compliance with 11 U.S.C. §524(c)(3), no hearing on the reaffirmation agreement is required.

- I. **Continuances.** A request for a continuance must be made by motion or stipulation and must be approved by the court. However, a movant may unilaterally file and serve a notice of withdrawal of a motion if the movant does not wish to proceed on the specified date. A notice of withdrawal must be served and filed at least two court days before the hearing date and a message should be left on the calendar clerk's voice mail notifying her of the filing of the notice of withdrawal. Reactivation of a withdrawn motion will require the filing and serving of a new version of the moving papers and payment of any new filing fee.
- J. **Motions for Reconsideration.** Judge Ellen Carroll does not usually hold hearings on motions for reconsideration. Hearings on such motions will be scheduled only if Judge Ellen Carroll determines, after reviewing the papers, that a substantial issue has been raised that justifies a hearing.
- K. **Trustee's Final Report and Related Applications for Approval of Professional Fees and Expenses.** A hearing date for a trustee's final report and related applications for approval of professional fees and expenses must be obtained from the calendar clerk.

III. PROCEDURE FOR USING THE SELF-CALENDARING SYSTEM.

Judge Ellen Carroll's calendar for a three-month period is posted outside of her courtroom and copies of the calendar are available on the court's website, in her courtroom and from her calendar clerk. **PLEASE NOTE THAT THIS CALENDAR IS SUBJECT TO REVISION ON AT LEAST A MONTHLY BASIS. PLEASE VERIFY THAT THE CURRENT VERSION HAS BEEN CONSULTED.** A party may also call the self-calendarling telephone system at (213)894-3118 to determine which dates are available for various matters.

If a party wishes to self-calendar a matter, please use the following procedure:

- STEP 1:** Refer to the printed calendar or the telephone calendarling system to identify available dates and times for the type of matter to be calendared.
- STEP 2:** Select a hearing date that allows sufficient notice to be given in compliance with the applicable Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. **PLEASE NOTE:** If a party chooses a date for a hearing on a motion for relief from stay that is beyond 30 days from the date on which the motion is filed, the party will be deemed to have waived the time limits of 11 U.S.C. §362(e).

- STEP 3:** Prepare a notice of hearing for the date and time selected. If the motion is for relief from stay, the notice must be in the form required by Local Bankruptcy Rule 9013-1(a)(5) and Local Forms in the 350 series.
- STEP 4:** Serve and file the pleadings in a timely manner. Please be sure to deliver courtesy copies of all pleadings to Judge Ellen Carroll's drop box.
- STEP 5:** After the calendar clerk receives a party's papers, she will contact the party to arrange an alternate date if (i) the date selected is unavailable because insufficient notice has been given, (ii) the date and time are already fully booked, (iii) the party has selected an inappropriate date or time for the type of matter to be heard or (iv) for any other reason. Such changes are expected to be rare.